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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

UNITED STATES OF AMERICA,

Case No. CR 17-204-JD

Plaintiff,

VS.

EUGENE LATRELL MCNEELY,

Defendant.

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE STATUS
CONFERENCE UNTIL NOVEMBER 8,
2017, AND EXCLUDE TIME UNDER
THE SPEEDY TRIAL ACT**

Date: October 11, 2017

Time: 10:30 A.M.

On August 11, 2017, the Court granted the parties' stipulation requesting the Court set a status conference for October 11, 2017. Dkt. No. 25. The government's production of discovery to defense counsel is not yet complete and will require additional time for defense counsel to review.¹ So that the government has sufficient time to review and produce the remaining discovery, and so that defense counsel has time to review the additional discovery, the parties jointly request that the Court continue the October 11 status conference until November 8, 2017.

The parties have also agreed that time should be excluded under the Speedy Trial Act, 18 U.S.C. § 3161, until November 8, 2017. The time between Mr. McNeely’s arraignment on May 9, 2017 and the status conference set for October 11, 2017 has already been excluded for effective preparation of counsel, taking into account the exercise of due diligence, under 18 U.S.C. § 3161(h)(7)(B)(iv). *See* Dkt. Nos. 8, 17, 25. Time should continue to be excluded through the parties’ proposed status conference date of November 8, 2017 to allow Mr. McNeely’s counsel to review the additional discovery, confer with Mr. McNeely, and prepare Mr. McNeely’s pretrial motions.

The parties therefore request: (1) this Court continue the status conference set for October 11, 2017 at 10:30 a.m. in the San Francisco courthouse until November 8, 2017 at 10:30 a.m. in the San Francisco courthouse; and (2) exclude time under the Speedy Trial Act.

Dated: October 4, 2017

VINSON & ELKINS LLP

By: /s/ Matthew J. Jacobs
Matthew J. Jacobs
Attorneys for Eugene Latrell McNeely

Dated: October 4, 2017

DEPARTMENT OF JUSTICE

By: /s/ William J. Gullotta
William J. Gullotta
Assistant United States Attorney

¹ For example, on October 2, 2017, defense counsel received an additional 10,000 pages in discovery from the government and expects voluminous additional discovery to be produced.

[PROPOSED] ORDER

Based on the good cause shown by the parties, the Court hereby:

1. Continues the October 11, 2017 status conference until November 8, 2017 at 10:30 a.m. in the San Francisco Courthouse;

2. Finds good cause to exclude time until the November 8, 2017 status conference from the Speedy Trial Act for the effective preparation of counsel, taking into account due diligence under 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: October 6, 2017

HON. JAMES DONATO
United States District Judge